

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES, ex rel., RIECK :
GROUP, LLC, :

Plaintiff, : Case No. 3:08cv172
vs. : JUDGE WALTER HERBERT RICE
MONARCH CONSTRUCTION :
COMPANY, et al., :

Defendants. :

OPINION SUSTAINING IN PART AND OVERRULING IN PART
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGEMENT
(DOC. #27); OPINION OVERRULING DEFENDANTS' CROSS MOTION
FOR PARTIAL SUMMARY JUDGMENT (DOC. #30); OPINION
SUSTAINING IN PART AND OVERRULING IN PART DEFENDANTS'
OBJECTIONS (DOC. #46) TO THE MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATIONS (DOC. #45); SAID JUDICIAL FILING
ADOPTED IN PART AND REJECTED IN PART; THIS OPINION IS NOT A
FINAL APPEALABLE ORDER

Based on reasoning and citations of authority to be set forth in an expanded
opinion which will be filed shortly, the Court sustains in part and overrules in part
Plaintiff's Motion for Partial Summary Judgment (Doc. #27); overrules Defendants'
Cross Motion for Partial Summary Judgment (Doc. #30); and sustains in part and
overrules in part Defendants' Objections (Doc. #46) to the Report and

Recommendations of the Magistrate Judge (Doc. #45). Said judicial filing is adopted in part and rejected in part. Since this is not a final appealable order, this Court directs the Clerk of Courts not to enter judgment herein.

September 30, 2009

/s/ Walter Herbert Rice

WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT

Copies to:

Counsel of Record.